

value/s within those limits. Mystery jackpots are paid to games when their wager causes the pool to reach the selected values.

Thus, the invention described by Olsen is fundamentally different from the present invention. It is a controller-based random jackpot system that requires a plurality of gaming machines. Its controller picks from multiple linked games during a bonus period to grant mystery jackpots.

Regarding claims 1 and 11.

As Olsen describes in col. 3, lines 40-48, his invention (1) only applies to a bonus mode, (2) requires group participation, (3) requires a plurality of gaming machines, (4) requires linked or networked gaming machines, and (5) provides jackpot awards of random values.

Olsen also requires (6) an interface card, col. 7, line 26, (7) an incrementation rate, col. 7, line 32, (8) a jackpot pool and (9) a finding of eligibility, col. 10, line 28, that are not part of the present invention.

Further any “successive period of play” is not described at col. 2, lines 39-48. That part describes a comparison process of jackpot values. Col. 6, lines 56-58, describes only a bonus mode activation method.

Finally, with reference to col. 8, lines 48-53, it does not comprise a variable play period or an extension to the bonus mode period as does the present invention, but rather a “new bonus mode time period”.

Accordingly, Olsen lacks these attributes of the present invention:

1. Initiating a variable period of play (claim 1);
2. Displaying game terminating symbols (claim 1);

3. Ending variable play when a predetermined number of game terminating symbols appear (claim 1).
4. Initiating a session period of play (claim 11);
5. Providing a minimum number of game winning opportunities within said session (claim 11);
6. Ending session play when a minimum number of game winning opportunities expire (claim 11).

Since claims 1 and 11 are allowable, so too are their dependent claims 2 – 10 and 12 – 15, respectively.

Regarding claims 3, 4, 12-14, 15, 18, 19 and 21

Olsen describes a matching game at col. 25, lines 35-46, that can be played in a bonus round. If his mystery prize symbols match, the largest award possible is paid.

This bonus matching game has nothing to do with the present invention. These symbols are not game extension or termination symbols, and they do not increase the number of game winning opportunities.

Thus it follows that Olsen lacks:

1. game-terminating symbols related to data selectively entered by the player (claim 3);
2. game-extensions symbols (claim 4);
3. game extension symbols that increase game winning opportunities (claim 12);
4. random game extension symbols (claim 13);
5. game extension symbols whose appearance is dictated by player entered data (claim 14);
6. random special symbols (claim 18);

7. a second game the same as the first game, except special symbols grant additional number of game plays (claim 21).

Regarding Claim 15 specifically, Olsen teaches only a mystery jackpot bonus game. Col. 5, lines 4 – 9, describe a plurality of networked games for use with a progressive system. Col. 10, lines 27 – 32, describe a qualification process to determine eligibility for his mystery jackpot bonus game. Olsen must synchronize multiple networked games. Eligibility, network synchronization and mystery jackpots are not part of the present invention.

Olsen lacks a minimum number of game winning opportunities that are a minimum number of reel spins granted when session play is initiated (claim 15).

Regarding Claims 9 and 16

Olsen's aspect described in col. 12, lines 13-25, is a means to lock in games for participation the same linked bonus. Since it effectively pauses a player's game (e.g., "locked in") to synchronize multiple machines, it does not extend or itself improve a player's winning opportunities. It lengthens a player's session in time only while winning opportunities remain the same. By slowing down playtime, winning opportunities per unit of time are actually reduced!

The fact that an Olsen game might be delayed to synchronize participation in a shared bonus event has nothing to do with the present invention. Worse for Olsen, he begins with a "predetermined AT time period" (col.11, line 2), which is directly opposed to the variable manner, means and method of the present invention.

As a result, Olsen lacks:

1. Game extension symbols that extend variable play by counteracting game terminating symbols (claim 9);

2. Said symbols relating to American football in a video gambling game (claim 9);

3. Initiating session play where special symbols in a first game are used in and dictate an aspect of a secondary game (claim 16).

Since claim 16 is allowable, so too are its dependent claims 18 – 19 and 21.

Regarding Claims 22 – 24

Col. 9, lines 64 – 67, describe normal conventions of signaling start/end and won/loss conditions in slot machines well known in the art.

Col. 17, Table 1, and lines 28 – 46, describe an example of a payout table. Pay tables aren't really altered by progressive jackpots, it's just that the line item progressive award varies by its nature. Powerball lotto is a form of progressive. It accrues over the amount wagered and while unclaimed. Payout weights are commonly altered by the composition and number of symbols on a slot machine reel. These are all well known in the art.

The present invention may be used with or without a progressive, which is a separate function. (However, our "spin bonus" progressives [para. 88 – 90] are unique.)

Col. 27, lines 37 – 46, talks about hit frequency. Larger awards are paid less often. Smaller awards usually occur more frequently. This is also well known in the art.

Therefore, Olsen lacks:

1. Rewarding the player if a win while maintaining the predetermined number of game plays (claim 22);
2. Ending play when game plays are exhausted or session play expires (claim 22).
3. Altering the pay table between plays with or without a progressive (claim 23).

4. A means of decreasing pay table amounts due to a loss (claim 24).

Since claim 22 is allowable, so too are it's dependent claims 23 – 27.

Regarding Claims 26 and 27

Col. 29, lines 58 – 64, talks about standard credit meters used to display a player's credit balance (well known in the art), and also how null values (ie, losers) are common and useful to adjust the rate of bonus awards. Of course losers are considered when designing a game to preserve a house advantage, but they are not adjusted during the game by Olsen. Of course not every play can be a net winner or no one would operate such a game.

Olsen does not alter his payout table during his game. Thus, he does not teach that his payout table is affected by an event within the game. Further Olsen does not teach player interaction such as adding money to the game during the game.

Clearly Olsen lacks:

1. A pay table affected by an event within the game (claim 26).
2. The ability to add money during the game (claim 27);
3. Affecting the pay table by attaining predetermined symbols during the game (claim 27);
4. Affecting the pay table by attaining a predetermined game outcome (claim 27).

Claim Rejections – 35 USC ~103

Claims 2 and 8 ... unpatentable over Olsen (US 6,146,273) in view of Jorasch et al (US 6,315,662)

Inventor agrees with Examiner that use of a hard drive and networks are obvious.

Claims 5, 6 and 10 ... unpatentable over Olsen (US 6,146,273) in view of Walker et al (US 6,077,163)

Walker teaches a game that buys a fixed period of time. That is, Walker simply prices time periods differently based on the expected number of plays. Further he does not describe any means for variable time play or extensions. Olsen's time delays are about synchronizing multiple networked gaming machines to participate in a bonus. The present invention is neither taught nor contemplated by Olsen or Walker alone, or in combination.

As written above, Olsen's invention is much different than the present invention. Combining Olsen with others still would not extend or reduce the number of winning opportunities, whether in a bonus or in a base game as does the present invention.

Neither Olsen nor Walker extend the number of winning opportunities in a base game. In non-gambling "for fun" games extending play time doesn't cost anything. Nor do non-gambling games offer additional winning opportunities (or monetary wins at all). Neither Olsen nor Walker has overcome the problem of how to extend play in a gambling game (and especially in a base game) in a way that is economically viable to operators.

Both Olsen and Walker lack:

1. Game termination symbols and ship symbols that counteract them (claim 5).
2. Taking a certain number of strikes that ends a variable play period (claim 6).
3. Game simulations that are dictated by game-termination and game-extension symbols (claim 10).

Claim 7 ... unpatentable over Olsen (US 6,146,273) in view of Smith et al (US 6,147,696)

As noted by Examiner, Olsen is silent on pausing play to allow more bets without a time penalty. Smith's patent is not a gambling game at all. Smith proposes a system for administering services, including games and movies, over a hotel network. Smith does not teach games of any kind.

Another problem with Smith is that time is money. Casinos and arcades make their money differently. Gaming device operators in general don't want to slow down play because they profit from a percentage of the wager. Arcade game operators don't. Casinos sell a chance to win money to players, while arcades sell only entertainment.

There are big problems to overcome taking features from "for fun" games and/or bonus games to base gambling games. Arcade game features might be mentioned, alluded to, or assumed to work with gambling games, but in practice they won't if they aren't implemented in a financially sound manner. Here the fundamental problem remains how to implement features in gambling games that are commercially and financially viable to operators.

It is neither obvious nor practical to ascribe features of a bonus mode game to a base game. When money is involved, the math must work for operators. Since bonuses are by nature infrequent, alone they may return payouts otherwise impossible. For example, if a base game returns 80%, but once in 100 times a bonus occurs that returns 1000%, then the game overall returns 90% ($80\% + (1/100) \cdot 1000\%$) that preserves an operator advantage. But, this bonus could not be offered without the 99 non-bonus games! If the bonus happened every time, the game would pay out 1000%. No operator would offer such a game and lose money. However, this problem is addressed and solved by the present invention.

Anything can be offered in a for-fun game. Similarly almost anything can be offered in a gambling bonus game. All you have to do is reduce the bonus frequency to offset the bonus awards. It is not fair to purport "I'm giving away \$1,000,000 in a progressive bonus", and to use that as prior art against fundamentally different ways of winning \$1,000,000.

It is noteworthy that very little from arcade-type games have made its way into the gambling market. While there are over 900,000 gaming machines operating world-wide today (most of these in the U.S.) none offer the indeterminate variable play model, extending, terminating, and counteracting symbols and events, along with the increased winning opportunities and other innovative features taught by the present invention.

Since the methods and means of the present invention are integral and don't require a bonus, they assure more winning opportunities per period, more winning opportunities per wager, fewer bets and faster overall play.

Claims 17 and 20 ... unpatentable over Olsen (US 6,146,273)

Inventor agrees with Examiner that although the mining embodiment described shows a unique application of the present invention, the theme itself is obvious.

Conclusion

In sum, the present invention is remarkably new and innovative. It solves fundamental problems in a fun, entertaining and most importantly, a financially sound manner.

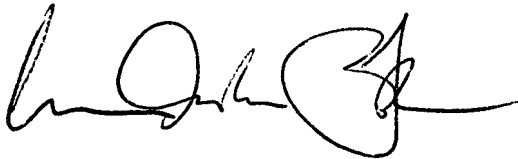
The prior art alone or in combination does not teach the present invention nor solve the new problems that arise when trying to join the prior art references.

Applicant also respectfully requests consideration of the following provision taken from the Manual of Patent Examining Procedure:

MPEP 706.07(a)

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Very Respectfully,

A handwritten signature in black ink, appearing to read 'W. Arthur Taylor', with a stylized flourish at the end.

William Arthur Taylor
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